

A divorce *a mensa* does not dissolve the marital relation, and does not deprive the widow of her dower or interest in her husband's personal property. *Hokamp v. Hagaman*, 36 Md. 517.

The power of the court to award the wife "such property as she had when married," does not depend upon the cause of the divorce, or the conduct of the husband, but upon the circumstances of the husband at the time of the divorce. The law is not intended as a punishment of the husband, but to protect the wife for the future. *Tyson v. Tyson*, 54 Md. 37.

After a divorce *a mensa*, where a wife has been awarded the property which she had when married, the husband need not join in an answer to a suit concerning the wife's separate property. *Krone v. Linville*, 31 Md. 145.

For a case applying the portion of this section relative to the wife's being awarded "such property as she had when married," see *Tayman v. Tayman*, 2 Md. Ch. 400.

Generally.

A divorce *a mensa* may be granted for abandonment, without regard to its duration. *Harding v. Harding*, 22 Md. 345.

The term "abandonment and desertion," must be understood in a technical sense; desertion not made out. *Childs v. Childs*, 49 Md. 514.

A decree under this section is unnecessary and perhaps improper, where there is a deed of separation by which the parties have placed themselves in the same position in which the court would place them by a divorce *a mensa*. *Brown v. Brown*, 5 Gill, 255; *Brown v. Brown*, 2 Md. Ch. 319.

In an application for a divorce *a vinculo*, where the appellant does not at the hearing or in his brief, ask for a divorce *a mensa*, it will not be determined whether he is entitled to the latter. *Wheeler v. Wheeler*, 101 Md. 436.

For a case involving the extra-territorial validity of a decree prohibiting the guilty party from remarrying, and involving the status of the children of such party by a subsequent marriage, see *Dimpfel v. Wilson*, 107 Md. 329.

For a case involving the construction of this section in connection with the statute of 12 Charles II., ch. 24, and passing on the question of the effect of a divorce upon the right of a father to appoint a testamentary guardian, see *Hill v. Hill*, 49 Md. 455.

For a case involving the application of the removal under the act of 1824, ch. 196, and the writ of *ne exeat*, to cases arising under this section, see *Bayly v. Bayly*, 2 Md. Ch. 329.

The portion of this section authorizing the court to revoke a divorce *a mensa*, referred to. *Sharp v. Sharp*, 105 Md. 585.

See notes to sections 36 and 37.

1904, art. 16, sec. 38. 1888, art. 16, sec. 38. 1860, art. 16, sec. 27. 1841, ch. 262, sec. 5. 1843, ch. 287. 1886, ch. 10.

39. No person shall be entitled to make application for a divorce, where the causes for divorce occurred out of this State, unless the party plaintiff or defendant shall have resided within this State for two years next preceding such application.

A court of equity has jurisdiction under this section and section 36, where adultery is committed in this state, both husband and wife being at the time non-residents of Maryland, but the wife becoming a resident of this state a few months prior to the filing of the bill. A wife may establish a domicile separate from her husband. *Adams v. Adams*, 101 Md. 507.

Cited but not construed in *Brown, v. Brown*, 2 Md. Ch. 319.

Ibid. sec. 39. 1888, art. 16, sec. 39. 1860, art. 16, sec. 28. 1842, ch. 198, sec. 1. 1906, ch. 765.

40. When a bill prays for a divorce *a vinculo matrimonii*, the fact that the parties have been divorced *a mensa et thoro* shall not be taken to interfere with the jurisdiction of the court over the subject, and a party who has obtained a divorce *a mensa et thoro* on the ground of